

BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the matter of the Accusation
Against:

JOHN PEARSON, M. D.

Respondent.

NO. D-1837

DECISION RE STIPULATION

The attached Stipulation is hereby accepted by the Board
of Medical Quality Assurance as its Decision in the above-entitled matter.

This Decision shall become effective April 29, 1977.

It is so ordered on March 29, 1977.

DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE

Blanche C. Neeson
BLANCHE C. NEESON
Secretary-Treasurer

ORIGINAL

1 EVELLE J. YOUNGER, Attorney General
2 of the State of California
3 BARBARA T. KING,
4 Deputy Attorney General
5 555 Capitol Mall, Suite 350
6 Sacramento, California 95814
7 Telephone: (916) 445-3515

8 Attorneys for Board of Medical
9 Quality Assurance

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BEFORE THE
DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation }
Against: }

NO. D-1837

JOHN PEARSON, M.D.
License No. A-16428,

STIPULATION

Respondent.

IT IS HEREBY STIPULATED BY AND BETWEEN John Pearson,
M.D., the respondent above, and Evelle J. Younger, Attorney
General, by Barbara T. King, Deputy Attorney General, by and on
behalf of the complainant, as follows:

I

Respondent hereby acknowledges receipt of the
Accusation, Statement to Respondent, and Notice of Defense
hereto on file in case No. D-1837. Attached hereto as Exhibit
"A," and incorporated by reference herein as if fully set forth
hereat, is a true and correct copy of said Accusation.

II

Respondent is aware of, and has specifically been
advised by Deputy Attorney General Barbara T. King, of his
rights to consult with an attorney of his choice concerning
the effect of this Stipulation. With that awareness, respondent

1 voluntarily waives his right to consult with an attorney and
2 entered into this Stipulation.

3 III

4 Respondent understands the nature of the charges alleged
5 in the Accusation as cause for imposing discipline upon respon-
6 dent's license No. A-16428 as a physician and surgeon issued by
7 the Board of Medical Examiners (predecessor to the Board of
8 Medical Quality Assurance).

9 IV

10 Respondent is aware of his rights to a hearing on the
11 matters alleged in the above mentioned Accusation as provided
12 by the Administrative Procedure Act, Government Code section
13 11370 et seq. With that awareness, respondent voluntarily waives
14 his right to such a hearing and enters into this Stipulation.

15 V

16 Official notice may be taken of the contents alleged
17 in paragraphs I, III, IV, V, VI, VII, VIII, IX, X, XI, XII, XIII,
18 and XIV of the Accusation.

19 VI

20 The allegations set forth in paragraphs II and XV of
21 the Accusation are true and correct in all their particulars.

22 VII

23 If called as a witness at a formal administrative
24 hearing, respondent, John Pearson, M.D., would testify that the
25 contents of the letter of October 2, 1976 addressed to Barbara
26 T. King are true and correct in all their particulars. Attached
27 hereto as Exhibit "B," and incorporated by reference herein as
28 if fully set forth hereat, is a true and correct copy of said
29 letter.

30 VIII

31 It is hereby agreed that appropriate discipline in

1 this case would be that physician's and surgeon's license
2 number A-16428 heretofore issued to respondent John Pearson, M.D.,
3 is hereby revoked; provided, however, said revocation is hereby
4 stayed and the respondent is placed on probation for a period of
5 ten (10) years upon the following terms and conditions:

6 1. Respondent's license is hereby suspended for the
7 period of time specified in subdivision "A," below, or until such
8 time as respondent complies with the terms and conditions set forth
9 in subdivision "B," below, whichever comes first:

10 A. Respondent shall not exercise any
11 of the rights and privileges granted to him
12 by his license to practice medicine and surgery
13 for the first six (6) months immediately
14 following the effective date of the Board's
15 decision;

16 OR

17 B. Respondent shall not exercise any
18 of the rights and privileges granted to him
19 by his license to practice medicine and
20 surgery until such time as respondent is
21 examined by a physician and surgeon specializing
22 in internal medicine and a physician and
23 surgeon specializing in psychiatry both of
24 whom are priorly approved by the Division
25 of Medical Quality in writing, and said
26 internist and psychiatrist (1) determine
27 that respondent is not presently addicted to
28 or continuing to use narcotics and is
29 emotionally fit to practice medicine, and (2)
30 submit to said Division written reports
31 acceptable to said Division setting forth

1 such determinations. Said Division shall
2 notify respondent of the acceptability of
3 said reports in writing.

4 2. Respondent, during the period of probation herein
5 provided, shall take and successfully pass an oral examination
6 and a clinical examination to determine respondent's fitness to
7 practice medicine and surgery, said examinations to be administered
8 by the Division of Medical Quality.

9 In no event shall respondent exercise any of the rights
10 and privileges granted respondent by respondent's license until
11 such time as respondent has taken and successfully passed said
12 examinations.

13 Should respondent fail said examinations, then the next
14 examinations may be taken after the expiration of six months from
15 the date of the first examinations. If necessary, examinations
16 will thereafter be given at yearly intervals.

17 3. Respondent shall comply with all laws of the
18 United States and of the State of California, and its political
19 subdivisions and all rules and regulations of the Board of Medical
20 Quality Assurance of the State of California.

21 4. Respondent shall initiate and file with the Division
22 of Medical Quality at its office in Sacramento, California, at
23 quarterly intervals after the effective date of the Board's Order,
24 an affidavit setting forth respondent's then present residence
25 and office addresses, and shall set forth, if such be the case,
26 that respondent has fully and faithfully complied with all of the
27 terms and conditions of probation herein imposed; if respondent
28 has failed to comply with any of the terms and conditions of
29 probation, or has committed any acts in violation of the Board's
30 Order, the same shall be fully set forth and explained in said
31 affidavit. Failure to file this affidavit or to include therein

1 the information above specified shall constitute a violation of
2 the terms of probation.

3 5. Respondent shall annually report in person to the
4 Division of Medical Quality at such times and places as specified
5 and for each year thereafter during said period of probation.
6 It shall be the responsibility of respondent to request of said
7 Division the appropriate times and places.

8 6. Respondent shall fully and completely comply with
9 the Probation Surveillance Program and cooperate with any agent
10 of the Board operating thereunder, including but not limited to
11 the producing of any appropriate sample necessary for drug
12 detection or drug treatment analysis with the expense of such
13 testing being borne by respondent.

14 7. Respondent shall not write any prescriptions for
15 any substances requiring a triplicate prescription under the
16 Uniform Controlled Substances Act as now existing or as hereafter
17 amended. Respondent shall forthwith surrender to the issuing
18 agency or to an authorized member of the Board of Medical Quality
19 Assurance all triplicate prescription blanks in his possession
20 and shall not possess any triplicate prescription blanks during
21 the period of his probation.

22 8. Respondent shall completely abstain from the personal
23 use of narcotics, hypnotics, controlled substances, or dangerous
24 drugs, in any form, except when respondent is a bona fide
25 patient of another licensed physician and surgeon and the same
26 is lawfully prescribed for him.

27 Should the Division of Medical Quality, after notice
28 to respondent and an opportunity to be heard, determine that
29 respondent has during period of probation violated any term or
30 condition herein imposed, said Division may reimpose the
31 revocation or make such other or further order as it may then deem

1 just and reasonable in the exercise of its discretion. Proceeding
2 to reimpose the revocation or make other disciplinary order with
3 respect thereto shall be initiated within the period of probation
4 or within one year after the termination thereof; otherwise the
5 stay shall become permanent.

6 IX

7 Respondent enters into this Stipulation freely and
8 voluntarily and hereby waives any right of appeal which he may
9 now have or hereafter acquire arising out of or by reason of the
10 disputed settlement herein.

11 X

12 The parties further agree that the terms and conditions
13 set forth herein shall be null and void and not binding upon the
14 parties unless approved by the Division of Medical Quality of
15 the Board of Medical Quality Assurance.

16
17 DATED: 11/7/76 John J. Pearson
18 JOHN PEARSON, M.D.
19 Respondent

20 EVELLE J. YOUNGER, Attorney
21 General
22 BARBARA T. KING, Deputy Attorney
23 General

24 DATED: 10/25/76 Barbara T. King
25 BARBARA T. KING
26 Deputy Attorney General

27
28 Attorneys for Complainant,
29 Board of Medical Quality
30 Assurance
31

ORIGINAL

REDACTED

1 EVELLE J. YOUNGLER, Attorney General
2 of the State of California
3 BARBARA T. KING,
4 Deputy Attorney General
5 555 Capitol Mall, Suite 350
6 Sacramento, California 95814
7 Telephone: (916) 445-3515
8 Attorneys for Board of Medical
9 Quality Assurance
10

11 BEFORE THE DIVISION OF MEDICAL QUALITY
12 BOARD OF MEDICAL QUALITY ASSURANCE
13 DEPARTMENT OF CONSUMER AFFAIRS
14 STATE OF CALIFORNIA
15

16 In the Matter of the Accusation
17 Against:

No. D-1837

ACCUSATION

18 JOHN PEARSON, M.D.
19 License No. A 16428

20 Respondent.
21

22 COMES NOW THE COMPLAINANT, RAYMOND REID, and an
23 causes for disciplinary action against the above-named
24 respondent, alleges as follows:
25

I

26 Complainant, Raymond Reid, is the Executive Secretary
27 of the Board of Medical Quality Assurance of the State of
28 California (hereinafter referred to as the "Board") and makes
29 this Accusation solely in such official capacity.
30

II

31 Respondent, John Pearson, M.D., on or about
June 30, 1955, was issued Physician's and Surgeon's Certificate
No. A 16428 by the Board to practice medicine and surgery in
the State of California and at all times mentioned herein
respondent was and now is licensed by the Board to practice
medicine and surgery in this State.
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1 III

2 Respondent is subject to disciplinary action within
3 the meaning of section 2360 of the Business and Professions
4 Code pursuant to sections 2361(a), 2390, 2391.5, and 2411 of
5 the Business and Professions Code and sections 11157, 11170,
6 11173, 11174, 11180 and 11368 of the Health and Safety Code.

7 IV

8 Section 2360 of the Business and Professions Code
9 provides as follows:

10 "Every certificate issued may be suspended
11 or revoked. The board shall refuse a certificate
12 to any applicant guilty of unprofessional conduct.
13 The proceedings under this article shall be
14 conducted in accordance with Chapter 5 (commencing
15 with Section 11500) of Part 1 of Division 3 of
16 Title 2 of the Government Code, and the board
17 shall have all the powers granted therein."

18 V

19 Section 2361 of the Business and Professions Code
20 provides as follows:

21 "The Division of Medical Quality shall take
22 action against any holder of a certificate, who
23 is guilty of unprofessional conduct which has been
24 brought to its attention, or whose certificate has
25 been procured by fraud or misrepresentation or
26 issued by mistake.

27 "Unprofessional conduct includes, but is not
28 limited to, the following:

29 "(a) Violating or attempting to violate,
30 directly or indirectly, or assisting in or abetting
31 the violation of, or conspiring to violate, any

1 provision or term of this chapter.

2 "(b) Gross negligence.

3 "(c) Incompetence.

4 "(d) Gross immorality.

5 "(e) The commission of any act involving
6 moral turpitude, dishonesty, or corruption,
7 whether the act is committed in the course of
8 the individual's activities as a certificate
9 holder, or otherwise, or whether the act is a
10 felony or a misdemeanor.

11 "(f) Any action or conduct which would have
12 warranted the denial of the certificate."

13 VI

14 Section 2390 of the Business and Professions Code
15 provides as follows:

16 "The use or prescribing for or administering
17 to himself, or [sic] any of the controlled substances
18 specified in Schedule I of Section 11054, or Schedule
19 II of Section 11055, or any narcotic drug specified
20 in Schedule III of Section 11056, of the Health and
21 Safety Code, or the use of any of the dangerous drugs
22 specified in Section 4211 of this code, or of
23 alcoholic beverages to the extent, or in such a
24 manner as to be dangerous or injurious to a person
25 holding a certificate under this chapter, or to any
26 other person or to the public, or to the extent that
27 such use impairs the ability of such person so
28 holding such certificate to conduct with safety to
29 the public the practice authorized by such certificate
30 or the conviction of more than one misdemeanor or
31 - - -

1 any felony involving the use, consumption or self-
2 administration of any of the substances referred to
3 in this section or any combination thereof, constitutes
4 unprofessional conduct within the meaning of this
5 chapter; the record of the conviction is conclusive
6 evidence of such unprofessional conduct; a plea or
7 verdict of guilty or a conviction following a plea
8 of nolo contendere is deemed to be a conviction
9 within the meaning of this section; the board may
10 order the license suspended or revoked, or may
11 decline to issue a license, when the time for appeal
12 has elapsed or the judgment of conviction has been
13 affirmed on appeal or when an order granting probation
14 is made suspending imposition of sentence, irrespective
15 of a subsequent order under the provisions of
16 Section 1201.4 of the Penal Code allowing such
17 person to withdraw his plea of guilty and to enter
18 a plea of not guilty, or setting aside the verdict
19 of guilty, or dismissing the accusation, information
20 or indictment."

21 VII

22 Section 2191.5 of the Business and Professions Code
23 provides as follows:

24 "A violation of any federal statute, or rule
25 or regulation or any of the statutes or rules or
26 regulations of this state regulating narcotics,
27 dangerous drugs, or controlled substances,
28 constitutes unprofessional conduct within the
29 meaning of this chapter."

30 VIII

31 Section 2411 of the Business and Professions Code

1 provides as follows:

2 "Knowingly making or signing any certificate
3 or other document directly or indirectly related
4 to the practice of medicine or podiatry which
5 falsely represents the existence or nonexistence
6 of a state of facts, constitutes unprofessional
7 conduct within the meaning of this chapter."

8 IX

9 Section 11157 of the Health and Safety Code provides
10 as follows:

11 "No person shall issue a prescription that
12 is false or fictitious in any respect."

13 X

14 Section 11170 of the Health and Safety Code provides
15 as follows:

16 "No person shall prescribe, administer, or
17 furnish a controlled substance for himself."

18 XI

19 Section 11173 of the Health and Safety Code provides
20 in pertinent part as follows:

21 "(a) No person shall obtain or attempt to
22 obtain controlled substances, or procure or
23 attempt to procure the administration of or
24 prescription for controlled substances, (1) by
25 fraud, deceit, misrepresentation, or subterfuge,
26 or (2) by the concealment of a material fact.

27 "(b) No person shall make a false
28 statement in any prescription, order, report,
29 or record, required by this division.

30 " * * * "

31 - - - -

XII

Section 11174 of the Health and Safety Code provides as follows:

"No person shall, in connection with the prescribing, furnishing, administering, or dispensing of a controlled substance, give a false name or false address."

XIII

Section 11180 of the Health and Safety Code provides as follows:

"No person shall obtain or possess a controlled substance obtained by a prescription that does not comply with this division."

XIV

Section 11368 of the Health and Safety Code provides in pertinent part as follows:

"Every person . . . who obtains any narcotic drug by any forged, fictitious, or altered prescription, . . . shall for the first offense be punished by imprisonment in the county jail for not less than six months nor more than one year, or in the state prison for not more than six years, and for each subsequent offense shall be imprisoned in the state prison for not more than 10 years."

XV

Respondent is subject to disciplinary action within the meaning of section 2360 of the Business and Professions Code in that: (1) respondent knowingly made or signed documents directly related to the practice of medicine, to wit, prescriptions, which falsely represented the existence of a

1 state of facts, thus obtaining Controlled Substances, to wit,
2 "Demerol" and "Morphine Sulphate" by fraud, deceit, misrepres-
3 sentation, or subterfuge in violation of sections 2411, 2361(a)
4 and 2391.5 of the Business and Professions Code and sections
5 11157, 11173(a) and (b), 11174 and 11369 of the Health and
6 Safety Code; and (2) respondent procured for, possessed, used
7 or administered to himself Controlled Substances specified in
8 Schedule II of section 11055 of the Health and Safety Code,
9 to wit, "Demerol" and "Morphine Sulphate" in violation of
10 section 2361(a), 2390 and 2391.5 of the Business and Professions
11 Code and sections 11170 and 11180 of the Health and Safety
12 Code, as more particularly alleged below:

13 A. "Demerol" also known as "Meperidine" or
14 "Pethidine" and "Morphine Sulphate" are Schedule II Controlled
15 Substances pursuant to subdivisions (c)(14) and (b)(1)(xiii),
16 respectively, of section 11055 of Division 10 of the Health
17 and Safety Code. "Demerol" is also a "narcotic drug" as
18 defined by section 11019 of Division 10 of the Health and
19 Safety Code while "Morphine Sulphate" is an "opiate" as
20 defined by section 11020 of Division 10 of the Health and
21 Safety Code. Furthermore, "Demerol" and "Morphine Sulphate"
22 are dangerous drugs pursuant to section 4211(k) of the
23 Business and Professions Code.

24 B. From on or about October 25, 1975 through
25 April 4, 1976 respondent obtained and administered to himself
26 "Demerol" and "Morphine Sulphate" obtained by respondent
27 pursuant to the following prescriptions written by respondent
28 for patient C. J. S. [REDACTED]

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31 - - - -

RX #	DATE	DRUG	QTY	PHARMACY & CITY
9615899	10/21/75	Demerol 50 mg	60 cc	Economy Drug San Luis Obispo
9885141	10/20/75	Demerol 50 mg	30 cc	Thrifty Drug Morro Bay
9885158	12/1/75	Morphine Sulphate 1/4 gr.	20 cc	Morro Bay RX Morro Bay
9885162	12/14/75	Morphine Sulphate 1/4 gr.	40 cc	Thrifty Drug Morro Bay
9885109	1/30/76	Morphine Sulphate 1/4 gr.	40 cc	Morro Bay RX Morro Bay
9885110	2/4/76	Morphine Sulphate 1/4 gr.	20 cc	Economy Drug San Luis Obispo
9885112	2/8/76	Morphine Sulphate 1/4 gr.	40 cc	Morro Bay RX Morro Bay
9885115	2/13/76	Morphine Sulphate 1/4 gr.	20 cc	Thrifty Drug Morro Bay
16721058	2/16/76	Morphine Sulphate 1/4 gr.	40 cc	Thrifty Drug Morro Bay
16721060	2/27/76	Morphine Sulphate 1/4 gr.	20 cc	Carpenter's Drug San Luis Obispo
9885110	3/3/76	Morphine Sulphate 1/4 gr.	20 cc	Morro Bay RX Morro Bay
9885178	3/17/76	Morphine Sulphate 1/4 gr.	20 cc	Thrifty Drug Morro Bay
9885105	3/26/76	Morphine Sulphate 1/4 gr.	20 cc	Thrifty Drug Morro Bay
9885119	4/1/76	Morphine Sulphate 1/4 gr.	20 cc	Carpenter's Drug San Luis Obispo
TOTALS:		Demerol 50 mg.	90 cc	
		Morphine Sulphate 1/4 gr.	320 cc	

C. From on or about July 28, 1975 through March 31, 1976, respondent further obtained and administered to himself "Demerol" and "Morphine Sulphate" obtained by respondent pursuant to the following prescriptions written by respondent for patient C. J. S. [REDACTED]

RX #	DATE	DRUG	QUANTITY
9885125	7/20/75	Demerol . 50 mg	30 cc
9885128	8/14/75	Demerol 50 mg	30 cc
9885130	8/28/75	Demerol	
9885132	9/25/75	Demerol 100 mg	
9885139	10/21/75	Demerol 100 mg	2 cc
9885152	11/8/75	Demerol 50 mg	30 cc
9885164	12/31/75	Morphine Sulphate 1/4 gr.	20 cc
9885182	3/22/76	Morphine Sulphate 1/4 gr.	20 cc
9885189	3/31/76	Morphine Sulphate 1/4 gr.	20 cc

TOTALS: Demerol
Demerol 50 mg 90 cc
Demerol 100 mg
Morphine Sulphate
1/4 gr. 60 cc

D. From on or about February 12, 1976 through
March 25, 1976, respondent obtained and administered to himself
"Morphine Sulphate" obtained by respondent pursuant to the
following prescriptions written by respondent for patient
Hildred M. [REDACTED]

RX #	DATE	DRUG	QUANTITY	PHARMACY & CITY
9885113	2/12/76	Morphine Sulphate 1/4 gr.	2 amps.	Morro Bay RX Morro Bay
9885116	2/19/76	Morphine Sulphate 1/4 gr.	20 cc	Morro Bay RX Morro Bay
9885173	2/21/76	Morphine Sulphate 1/4 gr.	40 cc	Economy Drug San Luis Obispo
9885174	3/1/76	Morphine Sulphate 1/4 gr.	20 cc	Thrifty Drug Morro Bay
9885176	3/6/76	Morphine Sulphate 1/4 gr.	20 cc	Thrifty Drug Morro Bay
9885177	3/15/76	Morphine Sulphate 1/4 gr.	20 cc	Morro Bay RX Morro Bay

RX #	DATE	DRUG	QUANTITY	PHARMACY & CITY
9805180	3/20/76	Morphine Sulphate 1/4 gr.	20 cc	Morro Bay RX Morro Bay
9805187	3/25/76	Morphine Sulphate 1/4 gr.	20 cc	Morro Bay RX Morro Bay
TOTALS:		Morphine Sulphate 1/4 gr.	2 ampul. 160 cc	

B. From on or about September 18, 1975 through March 25, 1976, respondent further obtained and administered to himself "Demerol" and "Morphine Sulphate" obtained by respondent pursuant to the following prescriptions written by respondent for patient Hilfred M. [REDACTED]

RX #	DATE	DRUG	QUANTITY
9805134	9/28/75	Demerol	1 ampul
9805106	11/26/75	Morphine Sulphate 1/4 gr.	40 cc
9805184	3/25/76	Morphine Sulphate 1/4 gr.	20 cc
TOTALS:		Demerol	1 ampul
		Morphine Sulphate 1/4 gr.	60 cc

WHEREFORE, complainant prays that the Division of Medical Quality hold a hearing on the matters alleged herein and following a hearing issue a decision:

(1) Revoking or suspending the certificate of respondent;

(2) Taking such other and further action as is deemed necessary and proper.

DATED: 7/20/76

[Signature]
 HAYWARD REITH
 Executive Secretary
 Board of Medical Quality Assurance